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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,565	12/18/2000	Vaijayanthimala K. Anand	AUS9-2000-0592-US1	4520
7590	01/06/2005			
Duke W. Yee, Carstens, Yee & Cahoon, LLP P.O. Box 802334 Dallas, TX 75380				
			EXAMINER SIDDIQI, MOHAMMAD A	
			ART UNIT 2154	PAPER NUMBER

DATE MAILED: 01/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/740,565

Applicant(s)

ANAND ET AL.

Examiner

Mohammad A Siddiqi

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/22/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-26 are presented for examination.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/22/2004 has been entered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chatwani et al. (5,729,685) (hereinafter Chatwani) in view of Wiley et al. (5,687,320) (hereinafter Wiley).

5. As per claims 1, 14, and 25, Chatwani discloses a method, apparatus and computer program product for retrieving client boot information in a network environment with multiple boot servers (col 4, lines 15-18), comprising:

initiating at a client an initial request (col 29, lines 36-44) for client configuration information (alternative embodiment, col 29, lines 55-67);

sending from the client the initial request for client configuration information to a first boot server (CMS processor is client, fig 26, col 23 lines 17-26, col 34, lines 30-57 and col 29, lines 55-67);

receiving at the client a boot server list (CMS is acting as a client, col 29) if the client configuration information is not found on the first boot server (CMS functionality is to determine correct boot code, boot server, optimal path and perform load balancing, col 30, lines 61-67 and col 32, lines 1-11); and

sending from the client a configuration information request (col 26, lines 12-16) for the client configuration (col 26, lines 12-16) information to each

server (col 12, lines 5-6) in the boot server list (col 33, lines 16-54, first to next shows the order) until the client configuration information is found (col 32, lines 65-67) or a request has been sent to every server in the boot server list (fig 23(a)-24, clearly shows the CMS is identifying a boot server based on the BFQ message, col 33, lines 33-45, col 33, lines 16-54).

Chatwani may not be using the same terms as claimed, such as initiating at a client an initial request for client configuration information; the client information is not found on the first boot server, and sending a boot server list to the client if the information is not found. However, initiating at a client an initial request for client configuration information (it is a part of initialization, in a client-server model client initiates the request and serves the request), if the client information is not found on the first boot server, and sending a boot server list to the client if the information is not found (error handling is very well known in the art, this may be default choice) are very well known in the art. Wiley, for example, discloses as initiating at a client an initial request for client configuration information (col 4, lines 51-60); the client information is not found on the first boot server (col 4, lines 6-24), and sending a boot server list to the client if the information is not found (col 4, lines 6-24). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Chatwani and Wiley. The motivation would have been to have system where

client can obtain an alternate boot sever by requesting the boot server list in the case of primary boot server is affected.

6. As per claims 10, 21, and 26, are rejected for the similar reason as described in above claim 1.

7. As per claims 2, 11,15, and 22, claims are rejected for the same reasons as claim 1, above. In addition, Chatwani discloses at least one of the initial request (col 34, lines 20-23), the list request (col 34, lines 20-23), and the configuration information request is a trivial file transfer protocol request (col 26, lines 12-16)

8. As per claims 3, 16, claims are rejected for the same reasons as claim 1, above. In addition, Chatwani discloses receiving, from the first boot server, an error message that indicates that the client information is not found on the first boot server (unavailability or other factors includes error, CMS and boot server, col 27, lines 25-29, lines col 34, lines 7-57).

9. As per claim 4, the claim is rejected for the same reasons as claim 1, above. In addition, Chatwani discloses receiving the client configuration information from an associated boot server in response to the client

configuration information being found (col 34, lines 13-15, selected means associated).

10. As per claim 5, the claim is rejected for the same reasons as claim 1, above. In addition, Chatwani discloses sending a boot file request for remaining boot files to the associated boot server based on the client configuration information (col 34, lines 13-15, selected means associated).

11. As per claims 6, and 18, claims are rejected for the same reasons as claim 1, above. In addition, Chatwani discloses determining whether the: entries in the boot server list were pre-ordered (col 33, lines 16-31, first to next shows the order), in order to better support load balancing (col 26, lines 48-54) among boot servers (col 33, lines 32-41, prior to transmission to the client (col 33, lines 32-41); and

if the list is found to be ordered (col 33, lines 16-31, first to next shows the order), sending a configuration information request for the client configuration information to each server in the boot server list in the order given (col 33, lines 16-54, first to next shows the order).

12. As per claims 7 and 19, and 23, claims are rejected for the same reasons as claim 1, above. In addition, Chatwani discloses sending a

configuration information request for the client configuration (fig 2, element 203, col 11, lines 15-20) information to each server in the boot server list in order of: increasing network distance (col 6, lines 15-16), where distance is estimated from available network configuration information (col 6, lines 5-16) when there was no indication that the order of the original boot server (col 12, lines 5-6) list was optimized in order to better support load balancing (col 26, lines 48-54).

13. As per claims 8 and 20, Chatwani discloses wherein the method is performed by a network bootstrap program (col 5, lines 29-45).

14. As per claim 9, the claim is rejected for the same reasons as claim 1, above. In addition, Chatwani discloses wherein the method is performed on a client computer (col 34, lines 18-20).

15. As per claim 12, Chatwani discloses adding an indication to the boot server list to inform the client that the list is being provided in optimal order to support load balancing among boot servers (load balancing is provided by the hunt group, col 26, lines 48-51 and col 6, lines 15-16).

16. As per claims 13 and 24, Chatwani discloses wherein the method is performed on a boot server (col 34, lines 34-57).

17. As per claim 17, the claim is rejected for the same reasons as claim 1, above. In addition, Chatwani discloses means for receiving the client configuration information from an associated boot server in response to the client configuration information being found (col 33, lines 16-54, first to next shows the order); and means for sending a boot file request for remaining boot files to the associated boot server based on the client configuration information (col 34, lines 13-15, selected means associated).

Response to Arguments

18. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

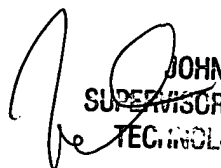
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A Siddiqi whose

telephone number is (571) 272-3976. The examiner can normally be reached on Monday -Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MAS


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